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Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

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Ward IV

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At-Large

Ed Clark
At-Large

A City Achieving
Community Excellence

Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

City Council Special Agenda

August 31, 2021 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, and via Zoom at

<https://greeleygov.zoom.us/j/82338870006>

1. Consideration of a Resolution setting the ballot titles for initiated amendments to the Greeley Home Rule Charter and submitting such initiated measures to the registered electors of the City of Greeley, at the coordinated election to be held on November 2, 2021

Council Agenda Summary

August 31, 2021

Key Staff Contact:

Paul J. Fetherston, Deputy City Manager for Enterprise Resources
Anissa Hollingshead, City Clerk
Douglas Marek, City Attorney
Stacey Aurzada, Deputy City Attorney

Title:

Consideration of a Resolution setting the ballot titles for initiated amendments to the Greeley Home Rule Charter and submitting such initiated measures to the registered electors of the City of Greeley, at the coordinated election to be held on November 2, 2021

Summary:

On August 23, 2021, the City Clerk certified to the City Council two petitions for initiated amendments to the Greeley Home Rule Charter. The two proposed amendment would

- add a new section 17-9 entitled "Procedures for Sale of Water and/or Water Supply and Treatment Facilities"; and
- add a new section 17-10 entitled "Procedures for Acquisition and Provision of Ground Water and/or Recycled Wastewater."

Section 1-6 of the Greeley Home Rule Charter authorizes amendments to the Charter as authorized by Article XX of the Colorado Constitution. The Colorado Constitution grants registered electors of a city the power to amend the city's home rule charter. *Colo. Const. art. XX, § 9*. Procedures to amend a Home Rule Charter are provided by statute, unless a City has adopted its own procedures. The City of Greeley has not adopted procedures for citizen initiated charter changes. Thus, state law governs this process.

Pursuant to Section 31-2-210 of the Colorado Revised Statutes, the governing body is required to set the ballot title for any measure. In this case, the City Council is the governing body. Colorado state law does not require the City Council to adopt the ballot titles set forth by the proponents of the initiated measures but instead requires the City Council to set the ballot titles. The ballot title must correctly and fairly express the true intent and meaning of the measure.

The City Attorney's Office has prepared ballot titles for consideration by City Council. The proposed ballot titles have been crafted to describe the initiated measures accurately and in a way that avoids confusion.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Set forth in Agenda Summary above.

Other Issues and Considerations:

None.

Strategic Work Program Item or Applicable Council Priority and Goal:

N/A

Decision Options:

- 1) Adopt the resolution as presented; or
- 2) Amend the resolution and adopt as amended; or
- 3) Deny the resolution; or
- 4) Continue consideration of the resolution to a date certain.

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Draft Resolution

**CITY OF GREELEY, COLORADO
RESOLUTION NO. _____, 2021**

**A RESOLUTION SETTING THE BALLOT TITLES FOR
INITIATED AMENDMENTS TO THE GREELEY HOME RULE CHARTER
AND SUBMITTING SUCH INITIATED MEASURES TO THE REGISTERED ELECTORS OF THE
CITY OF GREELEY, AT THE COORDINATED
ELECTION TO BE HELD ON NOVEMBER 2, 2021.**

WHEREAS, Article XX, § 9 of the Colorado Constitution grants registered electors of the City of Greeley the power to amend the City's Home Rule Charter; and

WHEREAS, on August 2, 2021, two petitions were submitted to the City Clerk proposing two amendments to the City of Greeley Home Rule Charter; and

WHEREAS, the first petition seeks to add a new section 17-9 to the City's Home Rule Charter, while the second petition seeks to add a new section 17-10; and

WHEREAS, on August 23, 2021 the City Clerk certified to the City Council that both petitions were sufficient; and

WHEREAS, pursuant to Section 31-2-210 of the Colorado Revised Statutes, the City Council is required to set the ballot title for any petition deemed sufficient by the City Clerk; and

WHEREAS, the City Council has reviewed the ballot titles and find that they fairly and accurately represent the true intent of the two petitions to amend the Greeley Home Rule Charter; and

WHEREAS, it is the intent of the City to comply with Article X, Section 20 of the Colorado Constitution in submitting the two initiated amendments to the City's Home Rule Charter to the registered electors of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The City Clerk is hereby authorized and directed to take all action necessary or appropriate to submit the following question to the registered electors of the City as a ballot issue at the November 2, 2021 coordinated election, the ballot title for which shall be in substantially the following form:

Shall the Greeley Home Rule Charter be amended to further restrict the City's power to sell or lease excess water or infrastructure, including limiting the normal practice of temporary leasing to agricultural or industrial users, and likely increasing water costs and affecting the quality of service, by requiring an outside engineering study for such action, then voter approval by a majority of all registered electors, regardless of turnout, in a special election?

YES_____ NO_____

Section 2. The City Clerk is hereby authorized and directed to take all action necessary or appropriate to submit the following question to the registered electors of the City as a ballot issue at the November 2, 2021 coordinated election, the ballot title for which shall be in substantially the following form:

Shall the Greeley Home Rule Charter be amended to restrict the City's acquisition and use of water and its responses to drought and other emergencies, likely increasing water costs and affecting the quality of service, by requiring that the purchase, lease or use of critical portions of Greeley's existing and future water supply be subject to additional outside engineering analysis and then voter approval by a majority of all registered voters, regardless of turnout, in a special election?

YES_____ NO_____

Section 3. The Council hereby authorizes and directs the City Clerk to certify such ballot measures to the Weld County Clerk and Recorder and hereby sets and fixes the foregoing as the ballot titles by which each ballot issue is to be submitted. Any protests or contests concerning the ballot title set forth above shall be initiated and conducted in the time and manner set forth in Section 31-2-223, Colorado Revised Statutes. The City Clerk, or the Council by resolution, may make such changes in the ballot title set forth above as may be necessary or appropriate to conform to applicable law. Notice of the election, including submission of the ballot issues, shall be given, and the election shall be held and conducted and the results thereof shall be determined, in conformity with the Uniform Election Code of 1992, the Charter and ordinances of the City, and other applicable provisions of the Constitution (including, without limitation, Article X, Section 20 thereof) and the laws of the State of Colorado. N

Section 4. The City hereby exercises its power as a home rule municipality, pursuant to Article XX of the Colorado Constitution, to supersede any and all laws of the State of Colorado which may be in conflict herewith.

Section 5. The invalidity or unenforceability of any provision of this resolution shall in no way affect the validity or enforceability of the remainder of this resolution.

PASSED AND ADOPTED, SIGNED AND APPROVED this ____ day of August, 2021.

ATTEST:

CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor